

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2017-305-E

APPENDIX A

representatives of such groups. It is suggested that the impact of citizen input in Committee deliberations is important to the interpretation of the results.

However, of primary consideration in resolving this issue is the intent of the members of the West Committee themselves.

Article IX, Section 1

The General Assembly shall provide for all appropriate regulation of . . . publicly owned utilities and privately owned utilities serving the public as and to the extent required by the public interest.

It is appropriate to end this statement with a quote from the well analyzed and researched opinion of the South Carolina Attorney General:

A Blue Ribbon Panel, the West Committee, chosen to make a study of the South Carolina Constitution of 1895 formulated the language of this provision.

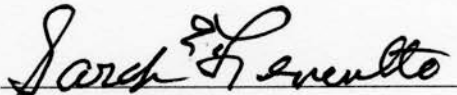
The revision was taken from the Kentucky Constitution but it is most important to the issue that the Committee itself insisted on adding the language "to the extent required by the public interest."

There is no question that the language was intended by the committee to be a limitation on the power of the General Assembly. (See West Committee minutes 11,287) It is not bad constitutional policy to say that the constitution is concerned that utilities are properly managed for the public interest. Our Supreme Court typically affords considerable weight to the West Committee in interpreting the Constitution.

Conclusion

A review of the historic background of the constitutional provision contained in Article X, Section 1 and as well as the South Carolina case law both previous and subsequent to the West Committee revision leaves little doubt that enactment of the Base Load Review Act exceeds the bounds of constitutionality adjudged "suspect" in the well-grounded Attorney General opinion of September 26, 2017. However, a legal declaration can only be made by the court,

s AFFIANT FURTHER SAYETH NOT.


Sarah E. Leverette

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Sworn to and subscribed before me

On this 16 day of November, 2017.

A circular notary seal for Hannah R. Brimmons, Notary Public for South Carolina. The seal contains the text "Hannah R. Brimmons", "Notary Public", and "South Carolina".
Hannah R. Brimmons

Notary Public for South Carolina

My Commission Expires July 5, 2026